

**BOARD OF APPEALS CASE NO. 4820**

\*

**BEFORE THE**

**APPLICANT: Coscan Adler Limited  
Partnership**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit a  
permanent residential development  
identification within the road right-of-way;  
Enfield Road at U.S. Route 40, Joppa**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 5/13/98 & 5/20/98**

**HEARING DATE: July 8, 1998**

\*

**Record: 5/15/98 & 5/22/98**

\* \* \* \* \*

### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Coscan Adler Limited Partnership, is requesting a variance to Section 219-7(K) of the Zoning Code to allow a permanent residential entrance/development project identification sign within 10 feet of the road right-of-way, and a variance to Section 219-14(B) to allow a development project identification sign on the road right-of-way.

The subject parcel is located at Enfield Road and U. S. Route 40 in the First Election District. The parcel is identified as Parcel 162 in Grid 3F on Tax Map 64. The parcel contains .246 acres, more or less, all of which is zoned R3.

Mr. David Adler appeared and testified that he is President of Adler Corporation, which is a general partner of Coscan Adler Limited Partnership. Mr. Adler described the permanent sign as being 4 feet by 6 feet with the name of the subdivision on the sign. The witness said Enfield Road is two lanes with a median, which the Applicant plans to deed to Harford County. Mr. Adler said the sign is 5 feet from the road right-of-way on the median of Enfield Road. The witness said that the Department of Public Works has inspected the sign and did not feel that it caused a traffic problem. He said that denial of the variance would cause practical difficulty because the sign is a community entrance sign, and the community would be denied an entrance sign if the variance is denied.

Mr. Adler also mentioned a temporary sign which is on the median which he said could not be relocated and serves the same purpose as the permanent sign.

## **Case No. 4820 - Coscan Adler Ltd. Partnership**

No protestants testified in opposition to the Applicant's request. The Staff Report recommends conditional approval and provides:

**"A permanent residential sign is located within the County road right-of-way. The Department of Public Works forwarded a memo stating that they have no objection to the location of the sign. The sign does not obstruct sight distance for vehicles entering and exiting the development."**

### **CONCLUSION:**

The Applicant is requesting a variance to Section 219-7(K), which provides:

**"Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed total area of thirty-two (32) square feet shall be permitted on the property, provided that it is located not less than ten (10) feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed six (6) feet. If the parcel or lot has a multiple frontage of at least fifty (50) feet, additional signs with letters or advertising area not to exceed a total of thirty-two (32) square feet shall be permitted. Such sign or structure shall not exceed six (6) feet in height and shall not be located less than ten (10) feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the thirty-two (32) square feet."**

Section 219-14(B), which provides:

**"Except as provided in Section 219-7(A), signs which are placed within the county or state right-of-way are prohibited and shall be removed immediately by the enforcement officer or the appropriate highway authority."**

The uncontradicted testimony of the Applicant's witnesses was that denial of the variance would cause practical difficulty because it would require removal of the Applicant's development entrance sign. Likewise, no evidence was introduced that approval of the variance would impair the purpose and provisions of the sign code. The Applicant did testify with respect to a temporary sign; however, neither the application nor the advertisement addressed the temporary sign. Therefore, the Hearing Examiner cannot consider a variance to allow the temporary sign to remain in its present location.

## **Case No. 4820 - Coscan Adler Ltd. Partnership**

It is the finding of the Hearing Examiner that denial of the variance to allow the permanent entrance sign to remain would cause practical difficulty for the reasons stated by the applicant's witness in his testimony. It is the finding of the Hearing Examiner that approval of the variance will not impair the purpose and provisions of the sign code. Therefore, variance to allow the permanent sign to remain five feet from the road right-of-way and to allow a permanent development project sign on the road right-of-way of Enfield Road be approved subject to the following conditions:

1. The applicant shall remove the temporary project development project sign from the County road right-of-way.
2. The Applicant shall obtain all necessary permits and inspections for the permanent entrance/ development identification sign.

Date            JULY 24, 1998

L. A. Hinderhofer  
Zoning Hearing Examiner